

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

Nicholas A. Ritrovato, III

Plaintiff(s)

v.

UMass Five College Federal Credit Union

Defendant(s)

Civil Action No. 1-23-CV-10685-DJC

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UMass Five College Federal Credit Union
Attention Branch Manager and/or General Counsel
Murray D. Lincoln Campus Center, Room 224
University of Massachusetts Amherst MA 01003

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicholas A. Ritrovato, III pro se
9 Wesley Park
Somerville, MA 02143

617-767-2056
nicholas_ritrovato@yahoo.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

Nicholas A. Ritrovato, III

Case No. 1-23-CV-10685-DJC

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

UMass Five College Federal Credit Union

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Nicholas A. Ritrovato, III</u>
Street Address	<u>9 Wesley Park</u>
City and County	<u>Somerville</u>
State and Zip Code	<u>MA 02143</u>
Telephone Number	<u>617-767-2056</u>
E-mail Address	<u>nicholas_ritrovato@yahoo.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	UMass Five College Federal Credit Union
Job or Title <i>(if known)</i>	Attention Branch Manager and/or General Counsel
Street Address	Murray D. Lincoln Campus Center, Room 224
City and County	University of Massachusetts Amherst
State and Zip Code	MA 01003
Telephone Number	1-413-256-5500
E-mail Address <i>(if known)</i>	info@umassfive.coop

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

18 U.S. Code § 1344 - Bank fraud - UMass Five College Federal Credit Union and Susan DiMarzo and/or Greg O'Brien knowingly executed, or attempted to execute, a scheme or artifice to defraud a financial institution; and to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

In the school year 1990-1991 Susan DiMarzo-Haley opened an account in the name of plaintiff for the purpose of cashing stolen checks drafted under false pretense from the college tuition savings account of said plaintiff at another institution (see additional page).

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Mr. Ritrovato is entitled to UMass Five College FCU fraud amount of \$73,000,000.00 plus interest of 7% totaling \$485,365,200.55. UMass Five College FCU should file an insurance claim immediately and deposit the \$485,365,200.55 into Mr. Ritrovato's recently opened legitimate share deposit account at UMass Five College FCU in Worcester.

Ms. DiMarzo-Haley in conspiracy with a person who resembled the plaintiff's mother infiltrated at graduation time (May 1995) and presented several checks from family and friends of Mr. Ritrovato at Citizens Bank in Somerville, MA for deposit into a joint checking account in the name of Mr. Ritrovato's parents' she then drafted a check from the account under false pretense stealing approximately \$2,000,000.00.

She then deposited the draft at Wellesley savings bank along with other gift checks which were received by the plaintiff at home which were not presented at Citizens. The checks were presented as bearer instruments that were made payable to Mr. Ritrovato and signed under false pretense by her (Ms. DiMarzo-Haley). Citizens and Wellesley bank agents gave her all the cashed checks back after she deposited them. Effectively they were in conspiracy with Ms. Dimarzo-Haley to facilitate multiple check cashing of each draft check. For this reason Ms. DiMarzo-Haley conspired to present the checks for cashing at Citizens Bank despite Mr. Ritrovato's objections. Mr. Ritrovato at that time banked at Shawmut and not at Citizens Bank. At this time the misuse of federally controlled substance including memory degrading implements were used to bypass Mr. Ritrovato's objections.

Ms. Dimarzo-Haley then stole all of the check specimen from both Citizens and Wellesley banks with bank agents and deposited them at UMass Five College FCU. All of the checks specimen made payable to Mr. Ritrovato deposited at Citizens Bank and at Wellesley Savings bank were then re-presented for deposit as many as 20 iterations each. This conspiracy with UMass Five College FCU staff using the UMass Five College FCU banking systems to defraud check writers and their respective financial institutions occurred between May 1995 and November 1995 and totaled \$73,000,000.00. The \$73,000,000.00 was then secreted at the direction of and to Ms. DiMarzo-Haley's and Mr. O'Briens accounts in Wellesley and offshore respectively. Mr. Ritrovato is entitled to the fraud amount of \$73,000,000.00 plus interest.

Of note, UMass Five College FCU has aided and abetted in enriching Ms. DiMarzo-Haley and Mr. O'Brien at the expense of not only Mr. Ritrovato, also the expense of his family and friends who so generously were available to make these gifts. Mr. Ritrovato had not received any of these gifts nor had he been available to receive the gift givers. At one point Mr. Ritrovato had no knowledge that these gifts had ever been given. This crime put a strain on Mr. Ritrovato's relationship with professors, classmates and family and was destructive.

Calculation of fraud plus interest is shown.
1995 \$73,000,000.00 1.07^28 6.648838364 \$485,365,200.55

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/29/2023

Signature of Plaintiff

Printed Name of Plaintiff


Nicholas A. Ritrovato, III

B. For Attorneys

Date of signing: 03/29/2023

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address


Nicholas A. Ritrovato, III

Pro Se

Pro Se

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MA 02143

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